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**From:** MICHAEL.CARROLL@LW.com [MICHAEL.CARROLL@LW.com]  
**Sent:** 3/30/2021 7:14:51 PM  
**To:** Israels, Ken [Israels.Ken@epa.gov]; Yannayon, Laura [Yannayon.Laura@epa.gov]  
**CC:** Bushey, Douglas [bushey.douglas@epa.gov]; Zuniga, Mario [zuniga.mario@epa.gov]; Zabel, Allan [Zabel.Allan@epa.gov]; wnastri@aqmd.gov; SNakamura@aqmd.gov; BBaird@aqmd.gov  
**Subject:** RE: Your VM  
  
**Flag:** Follow up

Hi Ken.

Thanks for getting back to me. I am free on Wednesday after 10:00 am Pacific and on Thursday prior to 1:00 pm Pacific. Hopefully, we can find something within those blocks.

Regards, Mike

**Michael J. Carroll**

**LATHAM & WATKINS LLP**  
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**From:** Israels, Ken <Israels.Ken@epa.gov>  
**Sent:** Tuesday, March 30, 2021 12:11 PM  
**To:** Carroll, Michael (OC) <MICHAEL.CARROLL@LW.com>; Yannayon, Laura <Yannayon.Laura@epa.gov>  
**Cc:** Bushey, Douglas <bushey.douglas@epa.gov>; Zuniga, Mario <zuniga.mario@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; wnastri@aqmd.gov; SNakamura@aqmd.gov; BBaird@aqmd.gov  
**Subject:** RE: Your VM

Hi Mike –

Thanks for your email. Unfortunately, we are unable to accommodate a meeting with you this week as some of our team members who are critical to this discussion are on vacation.

The questions you've raised are important and we'd appreciate the opportunity to discuss them with you. Could you please provide me with three time slots in your schedule that work for you next week between Tuesday and Thursday (4/6 to 4/8)? I have copied our South Coast AQMD partners as we believe that it would be most productive for them to participate in any discussion regarding the matters you've raised. Once I hear back from you, I will coordinate among our team and South Coast to ensure that we make our team members available.

If you have any questions, please give me a call at my number below or respond to this email.

Be safe and well,

Ken Israels  
415-947-4102

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**From:** MICHAEL.CARROLL@LW.com <MICHAEL.CARROLL@LW.com>  
**Sent:** Friday, March 26, 2021 1:02 PM  
**To:** Yannayon, Laura <Yannayon.Laura@epa.gov>  
**Cc:** Bushey, Douglas <bushey.douglas@epa.gov>; Zuniga, Mario <zuniga.mario@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; wnastri@aqmd.gov; SNakamura@aqmd.gov; BBaird@aqmd.gov  
**Subject:** RE: Your VM

Hi Laura.

Thanks for getting back to me. The nature of my questions in both cases were relatively straightforward requests for confirmation or clarification of EPA positions on certain issues that I thought could be addressed through a more direct approach, but perhaps they are more nuanced than I am appreciating, and I am happy to provide them here and convene a call as soon as convenient. I would also be happy to have SCAQMD staff join that call if you think it would be helpful (copying Wayne, Susan and Barbara here).

I figured out the answer to the question that I was calling Ken about through other sources, but I have two other pending questions:

1. We initially understood EPA's position to be that the RECLAIM program would have to remain in place until such time as all of the elements of the "replacement program" (i.e., BARCT landing rules, NSR amendments, etc.) were adopted by SCAQMD and approved into the SIP by EPA. Recently, we have heard that EPA's position may be that the RECLAIM program would have to remain in place until such time as all of the BARCT landing rules were fully implemented (i.e., until the latest compliance date contained in any BARCT rule). We are seeking clarification on EPA's position on this issue.
2. We understand that it is EPA's position that in the context of any alternative compliance mechanism that might be developed, each emissions unit at the facility would have to be subject to a specific NOx concentration limit. So, for example, if there was a mechanism for imposing a mass cap on a set of sources at a facility, it would have to include concentration based limits on each of the individual sources subject to the mass cap. We are seeking confirmation that this is EPA's position, and if so, the basis for that requirement.

I hope this is helpful. I will make myself available for a call whenever it is convenient for EPA, which I am hoping can be sometime early next week. Alternatively, if EPA wants to respond to the question via email, that would also be fine.

Thanks. Mike

**Michael J. Carroll**

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**From:** Yannayon, Laura <Yannayon.Laura@epa.gov>  
**Sent:** Wednesday, March 24, 2021 3:19 PM  
**To:** Carroll, Michael (OC) <MICHAEL.CARROLL@LW.com>  
**Cc:** Bushey, Douglas <bushey.douglas@epa.gov>; Zuniga, Mario <zuniga.mario@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>  
**Subject:** Your VM

Hi Mike,

I writing in response to the VM message you left me yesterday wanting to discuss some issues related to SC's transition away from RECLAIM. I believe you also reached out to Ken Israels on March 3, 2021. As I believe Ken indicated at that time, EPA would be happy to schedule a meeting to talk with you if you can provide us an agenda to ensure we have the appropriate staff on hand for the discussion. I will be out of the office next week, but perhaps you can work with Ken to schedule a time and date that works for everyone.

Thanks!

Laura

*Laura Yannayon*

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